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# MULTIMEDIA UNIVERSITY

## FINAL EXAMINATION

TRIMESTER 1, 2018/2019

### **UPI3712- PUBLIC INTERNATIONAL LAW**

(All Sections/ Groups)

15 OCTOBER 2018

Reading Time: 2.30 p.m. – 2.45 p.m.  
(15 Minutes)

Answering Time: 2.45 p.m. – 5.45 p.m.  
(3 Hours)

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#### INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 2 pages with 4 Questions only.
3. Attempt question **1A or 1B**. Questions **2-4** are compulsory. The distribution of the marks for each question is given.
4. Students are not allowed to bring in any statutes into the Examination Hall.
5. Please write all your answers in the Answer Booklet provided.

**ATTEMPT EITHER: -**

**QUESTION 1A**

Under the Law of State Responsibility, a State is responsible for the breach of international obligations if the wrongful conduct is clearly attributable to the State. However, there are exceptions to this general rule where States are exempted from responsibility under international law.

Critically discuss the circumstances which preclude the wrongfulness of the State.

**(Total: 25 Marks)**

**OR**

**QUESTION 1B**

There are “five general principles” on which criminal jurisdiction is claimed by a State.

Critically discuss the application of those principles with reference to cases and international legal principles.

**(Total: 25 Marks)**

**STUDENT MUST ATTEMPT ALL OF THE FOLLOWING QUESTIONS: -**

**QUESTION 2**

The State of ASTER was in turmoil due to a civil war that was going on for five years. The rebel group, self-styled as the ASTER FREE ARMY, was seeking independence for a province controlled by them. Both, the government and the ASTER FREE ARMY, realise that they do not have a military solution in sight. They would like to settle the dispute in a peaceful manner.

Explain the various methods of peaceful settlement of dispute, which the conflicting parties may consider under Article 33 of the Charter of the United Nations.

**(Total: 25 Marks)**

**QUESTION 3**

The Goldfish was a trawler owned by the State Fishing Enterprise of the State of Sunderland and was on the high seas while the Mermaid, one of its boats, was fishing at sea 120 nautical miles off the Malaysian coast, closely watched by the K.D. Perak, a Malaysian Naval vessel. The Mermaid then set off, shadowed by the K.D. Perak, to the place where the Goldfish was waiting and transshipped its cargo onto the Goldfish.

**Continued...**

The K.D. Perak signaled to the Goldfish to stop, to allow its officers to board and search the vessel. Ignoring the order, the Goldfish sped further in the high sea pursued by the K.D. Perak. The K.D. Perak could only arrest the Goldfish, with the use of firearms. The Goldfish was taken to Port Klang and its crew, all of whom were Sunderland nationals, were brought before the Magistrate's Court.

The Government of Sunderland objected to the arrest on the grounds that the Goldfish had never been within Malaysian waters and never violated Malaysian laws. They said that they were taking fish specimens only for research purposes. They asserted that that it was a government-owned vessel and thus enjoy immunity, and that neither the use of firearms nor hot pursuit was in accordance with international law.

Advise the Attorney-General's Chambers of Malaysia.

**(Total 25 Marks)**

#### **QUESTION 4**

In a war among nations, there must be an equilibrium between military necessity and humanity.

Critically analyse how International Law addresses these issues with reference to the Geneva Conventions and their Additional Protocols which are at the core of International Humanitarian Law.

**(Total: 25 Marks)**

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